

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

SEAN MCCARTHY

No. 18 CR 119

Judge Manish S. Shah

**GOVERNMENT’S MOTION TO DISMISS THE INDICTMENT**

The UNITED STATES OF AMERICA, through its attorney, JOHN R. LAUSCH, JR., United States Attorney for the Northern District of Illinois, respectfully moves this Court to dismiss the indictment against defendant Sean McCarthy without prejudice, and in support thereof states as follows:

1. On July 5, 2018, defendant Sean McCarthy was charged in a three-count indictment with production of child pornography, in violation of Title 18, United States Code, Section 2251(a) (Count One); transportation of child pornography, in violation of Title 18, United States Code, Section 2252A(a)(1) (Count Two); and receipt of child pornography, in violation of Title 18, United States Code, Section 2252A(a)(2)(A) (Count Three). Dkt. 20. On July 11, 2019, McCarthy pled guilty via written plea agreement to Count One of the indictment. Dkt. 39. Sentencing is currently pending before this Court.

2. The United States seeks to dismiss the pending indictment against defendant McCarthy without prejudice.

3. Federal Rule of Criminal Procedure 48(a) states that the “government may, with leave of court, dismiss an indictment[.]”

4. Counsel for the United States has spoken with counsel for McCarthy, who does not oppose this motion.

WHEREFORE, the United States respectfully moves this Court for a dismissal of the indictment in this case without prejudice, pursuant to Fed. R. Crim. P. 48(a).

Respectfully submitted,

JOHN R. LAUSCH, JR.  
United States Attorney

By: s/ Kelly M. Greening  
KELLY M. GREENING  
Assistant United States Attorney  
219 South Dearborn Street, 5th Floor  
Chicago, Illinois 60604  
(312) 353-5300